

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF OREGON

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Pendleton Division

11 NICHOLAS RINNE,

12 Plaintiff,

13 vs.

14 NCO FINANCIAL SYSTEMS, INC., a  
15 Pennsylvania corporation,

16 Defendant.

Case No.

CV '11 - 1408 - SU

COMPLAINT FOR VIOLATION OF  
FAIR DEBT COLLECTION PRACTICES  
ACT (15 U.S.C. § 1692 et seq)

DEMAND FOR JURY TRIAL

Plaintiff alleges:

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PARTIES, JURISDICTION, AND VENUE

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1.

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Plaintiff is a resident of Malheur County, Oregon.

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2.

Defendant is a Pennsylvania corporation with its principal place of business in Montgomery

Page County, Pennsylvania, generally doing business in Oregon.

3.

This court has jurisdiction pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

4.

Venue lies in this district pursuant to 28 U.S.C. § 1392(b)(2).

FIRST CLAIM FOR RELIEF

(Violations of Fair Debt Collection Practices Act)

5.

On 26 occasions between July 28, 2011, and September 26, 2011, Defendant, acting through its employees, telephoned Plaintiff at (541) 889-0493, and left message on an answering machine identifying itself and disclosing that it was calling Plaintiff with regard to an attempt to collect at debt.

6.

The (541) 889-0493 telephone number is registered to The Burdic Home, a group home, and listed in telephone directories as such. Defendant knew or should have known that the (541) 889-0493 was not registered in Plaintiff's name.

7.

Eight of the 26 telephone messages were left before 8:00 a.m. local time.

8.

Defendant did not send Plaintiff a notice of Plaintiff's validation rights within five days of the first telephone message.

9.

Defendant's conduct violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq, in one or more of the following particulars:

(a) Communicating with third parties, *i.e.*, the other residents and staff of The Burdic Home, regarding the debt, in violation of 15 U.S.C. § 1692c(b);

(b) Telephoning Plaintiff at times that should be known to be inconvenient to Plaintiff, in violation of 15 U.S.C. § 1692c(a);

(c) Failing to send a notice of Plaintiff's validation rights, in violation of 15 U.S.C. § 1692g(a).

10.

As a result of Defendant's conduct, Plaintiff has suffered fear that this financial affairs have been disclosed to third parties, embarrassment that his financial affairs were disclosed to another resident on at least one occasion, and severe irritation and annoyance.

11.

As a result of Defendant's conduct, Plaintiff has been damaged in the sum of \$5,000 emotional damages.

12.

Pursuant to 15 U.S.C. § 1692k, Plaintiff is further entitled to statutory damages of \$1,000 and his reasonable attorney fees.

WHEREFORE, Plaintiff prays for relief as follows:

1. Judgment for Plaintiff and against Defendant in the sum of \$5,000 actual damages and \$1,000 statutory damages;
2. For his costs, disbursements, and reasonable attorney fees; and
3. Such other relief as is just and equitable.

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PLAINTIFF HEREBY DEMANDS A JURY TRIAL.

DATED this 21 day of November, 2011.



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Daniel R. Reitman, OSB #95393

Attorney for Plaintiff